

## MINUTES

**PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING  
THURSDAY, MAY 19, 2005 10:00 A.M.  
CITY HALL 8<sup>TH</sup> FLOOR – COMMISSION CONFERENCE ROOM**

### **Members Present:**

Peter R. Partington, City Engineer  
Bob Dunckel, Assistant City Attorney  
Tony Irvine, City Surveyor  
Greg Thornburgh, Public Works Manager  
Kathy Connor, Parks Supervisor  
Tom Terrell, Maintenance Manager

### **Staff Present:**

Victor Volpi, Senior Real Estate Officer  
Ed Udvardy, Manager of General Services  
Judy Johnson, Administrative Assistant I  
Barbara Howell, Administrative Assistant I  
Eileen Furedi, Clerk II  
Rafeela Persaud, Word Processing Secretary

### **Guests Present:**

Jon Morganstine  
Hans Volkmeier  
James Leach  
Raymond Vivian  
Heidi Davis  
Victoria Maher  
Whitt Markum

Peter Partington called the meeting at 10:10 A.M. and stated that this is a Committee with the responsibility of advising the City Commission on matters connected with City property.

### **ITEM ONE:                    APPROVAL OF APRIL 21, 2005 MINUTES**

**MOTION BY TONY IRVINE TO APPROVE THE MINUTES, AS AMENDED. SECONDED BY GREG THORNBURG. MOTION PASSED UNANIMOUSLY.**

### **ITEM TWO:                    APPROVAL OF APRIL 5, 2005 MINUTES (SPECIAL MEETING)**

**MOTION BY GREG THORNBURG TO APPROVE THE MINUTES. SECONDED BY TOM TERRELL.**

**ITEM THREE: VACATION OF ALLEY, BLOCK 196 OF PROGRESSO**

Address or General Location: alley between NW 11 Street and Sunrise Boulevard, and NW 8 Avenue and NW 9 Avenue

Victor Volpi introduced item stating that at its meeting on January 20, 2005, the PROW Committee tabled this item until further investigation could be made with DRC. He stated that there is now a new applicant that wishes to vacate the entire alley as well. He said that Jim Leach would like a positive recommendation to vacate the alley between N.W. 8 and 9 Avenues and N.W. 11 Street and Sunrise Boulevard for development purposes. Victor Volpi introduced Jim Leach.

Mr. Leach stated that he is the contractor for lots 40 to 48 and the Church had represented lots 1 through 7. Mr. Leach introduced Hans Volkmeier and Victoria Maher, owners of properties in the block. Mr. Leach stated that there was no direct public access to the alley, their efforts would jump start a revamp of the area, invigorate business activities, and the setbacks along the properties on Powerline Road would protect access to the easements. Mr. Leach stated that this would be a good opportunity for the property owners and the City.

Mr. Volkmeier stated that he was representing Florida Sun International Realty, and they own commercial property on Powerline Road which was directly adjacent to the west of the alley, properties on NW 8<sup>th</sup> Avenue, adjacent to the east of the alley, and had acquired several parcels of vacant commercial properties facing Commercial Boulevard. Mr. Volkmeier stated that the vacation of the alley was of vital importance for the redevelopment of the northeast corridor of the intersection of SR 838 and SR 845. Mr. Volkmeier stated that have an off-site parking agreement was in place for the properties on NW 8<sup>th</sup> Avenue but cannot access because of the alley. Mr. Volkmeier stated that the alley was never accessible to the public and was built over by adjacent property owners with illegal structures. Mr. Volkmeier stated that without the vacation, the alley would be deteriorated and occupied by drifters and homeless people.

Tony Irvine asked about the lots. Ms. Maher stated that she owned hardware store which was lots 13 through 24.

Bob Dunckel asked if the alley was vacated, would the relocation of the 8-inch gravity sewer be recommended. Greg Thornburg said that he would prefer it to be relocated but it would be big task. Bob Dunckel stated that one of the criteria for vacation was the relocation of utilities.

Discussion followed as to the relocation of the utilities, improvements being built over easements not reflected in survey, the costs of the relocation of utilities, replatting the block, relocating the utilities as the parcel develops, and the applicant conversing with WaterWorks 2011.

Peter Partington stated that the Committee would like to see a phased relocation of the sewer utilities.

**MOTION BY BOB DUNCKLE TO TABLE, UNTIL THE APPLICANT COMES BACK WITH A RELOCATION PLAN FOR THE UTILITIES. SECONDED BY TOM TERRELL.**

Bob Dunckel stated that the utilities would need to be removed from the rear of the properties if the alley was approved for a vacation.

**MOTION PASSED UNANIMOUSLY.**

**ITEM FOUR: VACATION OF RIGHT-OF-WAY, S.W. 24 STREET**

Address or General Location: SW 24 Street, from SW 15 Avenue to SW 14 Avenue

Victor Volpi introduced item stating that Panache Properties L.L.C., would like a positive recommendation to vacate S.W. 24 Street, from SW 15 Avenue to SW 14 Avenue and to retain an easement over the entire street. Panache Properties L.L.C., has the full backing of the River Oaks Civic Association and most, if not all, of the abutting property owners. Victor Volpi introduced Jon Morganstine.

Mr. Morganstine introduced Raymond Vivian. Mr. Morganstine stated that they are both owners of properties of the abutting right-of-way of S.W. 24<sup>th</sup> Street. Mr. Morganstine stated that he had obtained letters from all property owners that own properties abutting the right-of-way, who are in favor of the vacation. Mr. Morganstine stated that the right-of-way in question runs east/west, between S.W. 15<sup>th</sup> and 14<sup>th</sup> Avenues, and the right-of-way was extended to S.W. 12<sup>th</sup> Avenue which was already vacated, and he was now looking to vacate the western portion of the right-of-way. Mr. Morganstine stated that the River Oaks Civic Association had voted unanimously for the vacation. Mr. Morganstine said that after speaking with City personnel, he was told that certain criteria had to be met to vacate a right-of-way. Mr. Morganstine stated that the right-of-way was unimproved and explained that all criteria have been met which was not needed for public purpose, alternate routes needed, no impact on pedestrian traffic, and utilities in the right-of-way. Mr. Morganstine stated that they would provide the City with a utility easement. Mr. Morganstine stated that the reasons they would like to vacate the right-of-way were neighborhood concerns for the future, and nicer properties.

Discussion followed as to the width of the right-of-way, gravity mains in the area, rights-of-way graphically on plat, to maintain as a pedestrian corridor or greenways and maintain utilities, and conversations with WaterWorks 2011 about any future plans.

Tom Terrell stated that he would like to see the plans after gravity main construction has been completed.

Peter Partington said that this right-of-way was shown on plat. Tony Irvine said that the utilities would be added. Tony Irvine said that a surveyor was compelled by law to show public right-of-way but not compelled by law to show easements.

Greg Thornburg stated that from previous e-mails with Mr. Morganstine, Mr. Morganstine was aware that he would vote against this item because of the permanence of a right-of-way. Greg Thornburg stated that the WaterWorks team, P&Z, and Paul Bohlander, via copies of the e-mail, were opposed to a conversion from a right-of-way to an utility easement. Peter Partington asked the consequence of not vacating the right-of-way. Mr. Morganstine said that the properties were considered double frontage lots due of zoning and his property has 25 feet setbacks in the back and front, as opposed to 15 feet. Mr. Morganstine said that maintenance was also an issue.

Greg Thornburg asked if permanent structures were allowed within setbacks. Bob Dunckel stated it could be done with revocable license agreements where the City's rights to access the utilities would be superior to their right to maintain the improvements. Bob Dunckel stated that there was a new

philosophical direction in the Planning department, where the rights-of-way were a part of a grid pattern and they are opposed to vacation and therefore, there would be some resistance from the Planning and Zoning Department.

Tony Irvine said that the greenway system, the right-of-way grid, and WaterWorks 2011 needed to be considered.

Mr. Vivian stated that they were surprised to find out that the sewer line was being placed in between two properties down an alley, instead of the main road.

Bob Dunckel suggested that Kathy Connor should be in contact with WaterWorks 2011 with regard to the pump station and a pedestrian corridor.

Mr. Vivian stated that the huge lift station was being placed basically behind someone's house.

**MOTION BY BOB DUNCKEL TO TABLE UNTIL WATERWORKS 2011 HAS COMPLETED ITS INSTALLATION, AND SUBJECT TO KATHY CONNOR HAVING FURTHER DISCUSSIONS WITH WATERWORKS 2011 IN REGARD RELOCATION OF THE PUMP STATION AND THE FEASIBILITY OF CREATING A GREENWAY OR A PEDESTRIAN CORRIDOR. SECONDED BY TONY IRVINE.**

**MOTION PASSED UNANIMOUSLY.**

**ITEM FIVE:                    STAGING AREA, 2300 SW 15 AVENUE**

Address or General Location: 2300 SW 15 Avenue

Victor Volpi introduced item stating that Ordinance C-02-13 states that the Property and Right-of-Way Committee must review all application for construction areas in connection with public construction projects. He stated that Barbara Howell (WW 2011 representative) would like a positive recommendation to establish a staging area at 2300 SW 15 Avenue. Victor Volpi introduced Barbara Howell.

Barbara Howell stated that the staging area would be the back parking lot of the church. Peter Partington said that this would be a City project.

**MOTION BY KATHY CONNOR TO APPROVE AS REQUESTED. SECONDED BY BOB DUNCKEL.**

Tony Irvine said that he would like to commend WaterWorks 2011 regarding the quality of the application which has vastly improved.

**MOTION PASSED UNANIMOUSLY.**

**ITEM SIX:**                    **TEMPORARY STREET CLOSURE**

Address or General Location: 505 N Fort Lauderdale Beach Boulevard

Victor Volpi introduced item stating that Stiles Corporation would like a positive recommendation to close the south sidewalk along Viramar Street and the north sidewalk along Riomar Street, and the hourly parking lane along Viramar Street. He stated that these closures are for the safety of the public. Victor Volpi introduced Whitt Markum and Heidi Davis.

Ms. Davis stated that the location of the Q Club was 505 North Fort Lauderdale Beach Boulevard. Ms. Davis stated that she would like a positive recommendation for sidewalk closures all around the property and northbound of Breakers Avenue. Ms. Davis said that there was another project in the area being done by Stiles Corporation known as the Atlantic who had problems with landscaping the medians. Ms. Davis stated that upon completion of construction, the medians would be improved and Viromar Street would be repaved. Ms. Davis stated that this would be a 25-story building and the setbacks from the property line would be 8-feet, and it was imperative to close the sidewalks for public safety. Ms. Davis said that they were currently under construction and had the approval from the City to close the sidewalks and northbound of Breakers Avenue. Ms. Davis stated that Stiles Corp. would be completing 1-floor per week and was currently on 15<sup>th</sup> Floor. Mr. Markum stated the shell would essentially be completed by December 2006 and at that point, there would be new sidewalks and Breakers Avenue would be reopened. Ms. Davis stated that there were no staging materials in the right-of-way.

Bob Dunckel asked about Phase II. Mr. Markum stated that it would be 6-stories with amenities on the 6<sup>th</sup> Floor. Bob Dunckel asked about the metered parking spaces along Breakers Avenue. He said he was working with the Parking Division and would incorporate the payment schedule in a revocable license.

Discussion followed regarding the maintenance of traffic plan, temporary closing of Breakers Avenue on the southbound lane for utility work, movable fence on Breakers Avenue to allow access to utilities, guarantee of reinstatement of areas in the right-of-way upon completion of project, a waterline on Breakers Avenue, replacement of street lighting and placing an underground conduit on Viromar Street, loss of landscaping due to construction, and wider sidewalks.

Mr. Markum offered, on a temporary basis, to place lighting on the building that would reflect into the streets until construction was completed.

Bob Dunckel clarified the hours/days of construction per week, peak traffic periods being defined by Peter Partington, and an off-duty police officer on site, on-site parking, full-time site clerk at the temporary office, in the final phase of construction, restoring landscaping on Riomar Street to be approved by Gene Dempsey or a Parks Director, removal of street closures upon completion of construction, and prior notice of intermittent closures with geographic boundaries.

Peter Partington stated that he would approve the MOT subject to City Commission approval of the revocable license agreement.

**MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL SUBJECT TO PLACING A PROVISION IN THE REVOCABLE LICENSE FOR THE RESTORATION OF THE MISSING**

**STREET LIGHTING ON A TEMPORARY AND PERMANENT BASIS, SUBJECT TO RESTORATION OF LANDSCAPING AND IRRIGATION ON RIOMAR STREET AND BREAKERS AVENUE. SECONDED BY TONY IRVINE.**

Bob Dunckel asked for a revised site plan showing the buck hoist located on the applicant's property and a loading platform in the right-of-way. Peter Partington asked about the parking revenue. Bob Dunckel stated that the loss of revenue would be factored into the agreement.

**MOTION AMENDED BY TONY IRVINE TO ADD THAT ACCESS TO THE UTILITIES ALONG BREAKERS AVENUE SHOULD BE MAINTAINED.**

**MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 11:55 A.M.